



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Construction and Inspections**  
Nathan Torgelson, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Application Number:** 3019486  
**Applicant Name:** Bradley Khouri  
**Address of Proposal:** 3925 2<sup>nd</sup> Ave NE

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow one, 3-story 3-unit townhouse structure and one 3-story 4-unit townhouse structure (7 units total). Parking for 7 vehicles to be provided below grade. Existing structure to be demolished. Environmental review includes future unit lot subdivision.

The following approvals are required:

**SEPA – Environmental Determination** – pursuant to Seattle Municipal Code (SMC) 25.05

**SEPA Determination:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition  
or involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Zoning: Lowrise 2 (LR2)  
Parcel Size: 8,000 square feet (sq. ft.)  
Existing Use: Single Family Residences  
Environmental Critical Areas: None

**Public Notice and Comment Period**

The public comment period for this project ended on February 17<sup>th</sup> 2016. Public comments included the following: Not enough onsite parking is required by the land use code and on street parking demand is high. The project would eliminate two street parking spaces. The street is too congested with commercial vehicles.

The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000<sup>1</sup>.

### **ANALYSIS - SEPA**

Table A of Director's Rule 29-2015 establishes the SEPA exemption levels for residential uses by zoning designation. For the LR2 zone 6 dwelling units are exempt from SEPA review. This proposal is providing more than 6 dwelling units, therefore the application is subject to SEPA review.

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The information in the checklist, supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Construction and Inspections has analyzed the environmental checklist submitted by the project applicant; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in this analysis, this action will result in adverse impacts. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part,

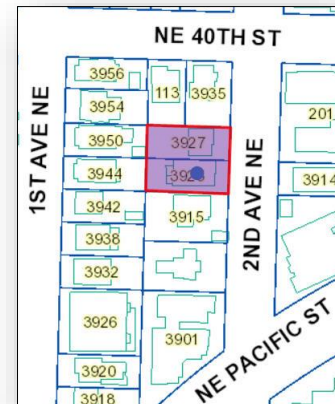
*"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"*

subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environment are anticipated.

### **Short Term Impacts**

The following temporary or construction-related impacts are expected: temporary soil erosion; decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site; and increased vibration from construction operations and equipment. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Earth/Soils - The applicant will be required to demonstrate that the impacts to soils can be sufficiently mitigated through the Grading Code and Stormwater Code review by the Geotechnical



<sup>1</sup><http://www.seattle.gov/dpd/aboutus/whoweare/publicresourcecenter/default.htm>

Engineer during the Building Permit phase of review. No additional mitigation is warranted pursuant to SEPA policies.

#### Greenhouse gas emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F

#### Long Term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal and future unit lot subdivision, including: increased surface water runoff due to greater site coverage by impervious surfaces; and loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

#### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant, therefore, no further mitigation is warranted.

#### Historic Resources

The existing structures on the site are more than 50 years old. The structures were reviewed for their potential to meet historic landmark status. The Department of Neighborhoods reviewed the proposal for compliance with the Landmarks Preservation requirements of SMC 25.12 and indicated the structures on site are unlikely to qualify for historic landmark status (Landmarks Preservation Board letters, reference number LPB 290/16). Per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no further conditioning is warranted for these structures, per SMC 25.05.675.H.

#### Plants

Located at the northwest portion of the site is a giant sequoia (*Sequoiadendron giganteum*). This tree has been incorporated into the landscaping area of the site.

The City of Seattle requires protection for all exceptional trees through development, both those on and off the project site. The protection measures require that no impacts take place within the inner root zone which is half the distance between the dripline edge and the tree, in this case, 12.5 feet from the tree. The outer root zone is allowed to be impacted but no more than 1/3 of its total area, in this case is 496 square feet. Encroaching into the portion of the dripline that crosses onto the project site will not disturb more than the allowable square footage of the outer root zone. Per the Overview policies in SMC 25.05.665.H and the existing City Codes and regulations to mitigate impacts to the tree are presumed to be sufficient, and no further conditioning is warranted.

## **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (Revised Code of Washington (RCW) 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).

☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An EIS is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

## **SEPA CONDITIONS**

None.

Colin R. Vasquez, Senior Land Use Planner  
Seattle Department of Construction and Inspections

Date: September 6, 2016

CRV:drm

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### **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

#### **Master Use Permit Expiration and Issuance**

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.